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ORIGINAL: ENGLISH

INTERNATIONAL SEABED AUTHORITY
FINANCE COMMITTEE
Resumed second session
Kingston
5-16 August 1996

# DRAFT RULES OF PROCEDURE OF THE FINANCE COMMITTEE

## Introduction

The present paper has been prepared by the Secretariat in order to facilitate the consideration and adoption by the Finance Committee of its rules of procedure. The working paper on the Finance Committee which reflects the deliberations on this subject in the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea is contained in document LOS/PCN/WP.45/Rev.2 (Report of the Preparatory Commission, LOS/PCN/153, vol. V). Many provisions of that working paper are no longer valid because they have been superseded by the provisions of section 9 of the Agreement relating to the implementation of Part XI of the Convention on the Law of the Sea, which came into force on 28 July 1996. Bearing in mind the above, the Secretariat has prepared the draft rules of procedure of the Finance Committee by taking into account the relevant provisions of that Agreement. In this regard the Secretariat has also been guided by the approach concerning the incorporation of the provisions of the Agreement in the rules of procedure which was adopted by the Assembly at the second part of its first session. With the exception of the rules that have been drafted pursuant to the provisions of the aforementioned Agreement, most of the other rules are standard provisions reflecting general practice. These standard provisions are similar to those which have been recommended by the Preparatory Commission to the Legal and Technical Commission and the Economic Planning Commission in documents LOS/PCN/WP.31/Rev.3 and LOS/PCN/WP.36/Rev.2, respectively (report of the Preparatory Commission, LOS/PCN/153, vol. V).

## Draft rules of procedure of the Finance Committee

### Introductory note

On 28 July 1994 the General Assembly of the United Nations adopted the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea, and the Agreement has been provisionally applied since 16 November 1994.

According to the Agreement, its provisions and Part XI of the Convention are to be interpreted and applied as a single instrument; these rules and references in these rules to the Convention are to be interpreted and applied accordingly.

### I. SESSIONS

#### Rule 1

#### Frequency of sessions

The Finance Committee shall meet as frequently as required for the efficient exercise of its functions, taking into account the requirement of cost-effectiveness.

#### Rule 2

#### Place of session

The Finance Committee shall normally meet at the seat of the Authority. Sessions of the Finance Committee may be held at another place in pursuance of a decision of the Assembly or the Council.

#### Rule 3

#### Convening of session

1. Taking into account the provisions of rule 1, sessions of the Finance Committee shall be convened at the request of:

(a) The Assembly;

(b) The Council;

(c) The majority of the members of the Finance Committee;

(d) The Chairman of the Finance Committee;

(e) The Secretary-General.

2. Before the Chairman or the Secretary-General make a request to convene a session of the Finance Committee, they shall consult each other and the members of the Committee on the date and duration of the session.

3. Any session of the Finance Committee called pursuant to a request of the Assembly or the Council shall be convened as soon as possible but no later than sixty days from the date of the request.

Rule 4

Notification of members

The Secretary-General shall notify the members of the Finance Committee as early as possible of the date and duration of each session.

Rule 5

Temporary adjournment of session

The Finance Committee may decide to adjourn any session temporarily and resume it at a later date.

II. AGENDA

Rule 6

Drawing up of the provisional agenda

The provisional agenda for each session of the Finance Committee shall be drawn by the Secretary-General in consultation with the Chairman of the Committee and shall include:

(a) All items proposed by the Assembly;

(b) All items proposed by the Council;

(c) All items proposed by the Finance Committee;

(d) All items proposed by the Chairman;

(e) All items proposed by the Secretary-General;

(f) All items proposed by any member of the Finance Committee;

Rule 7

Communication of the provisional agenda

The provisional agenda for each session of the Finance Committee shall be communicated to the members of the Committee as early as possible in advance of the session, but at least twenty-one days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Finance Committee sufficiently in advance of the session.

Rule 8

Adoption of the agenda

1. At the beginning of each session the Finance Committee shall, on the basis of the provisional agenda, adopt its agenda for the session.

2. The Finance Committee may, if necessary, amend the agenda by the deletion, addition or modification of any item, provided that no item referred to it by the Assembly or the Council be deleted or modified.

III. FUNCTIONS OF THE FINANCE COMMITTEE

Rule 9

Functions

The Finance Committee shall assist the Assembly and the Council in the financial administration of the Authority by providing advice on matters which have financial or budgetary implications and shall inter alia submit recommendations regarding the following issues:

(a) Draft financial rules, regulations and procedures of the organs of the Authority and the financial management and internal financial administration of the Authority;

(b) Assessment of contributions of members to the administrative budget of the Authority in accordance with article 160, paragraph 2 (e), of the Convention;

(c) All relevant financial matters, including the proposed annual budget prepared by the Secretary-General of the Authority in accordance with article 172 of the Convention and the financial aspects of the implementation of the programmes of work of the Secretariat;

(d) The administrative budget;

(e) Financial obligations of States Parties arising from the implementation of this Agreement and Part XI of the Convention as well as the

administrative and budgetary implications of proposals and recommendations involving expenditure from the funds of the Authority;

(f) Rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the area and the decisions to be made thereon.

## IV. OFFICERS

### Rule 10

### Election of Chairman and Vice-Chairman

1. Each year at the first session, the Finance Committee shall elect a Chairman and a Vice-Chairman.

2. The Chairman and the Vice-Chairman of the previous year shall retain their posts until the Finance Committee has elected a Chairman and a Vice-Chairman for the next year.

### Rule 11

### Rapporteur

The Finance Committee may appoint, if necessary, any of its members as Rapporteur for any particular question.

### Rule 12

### Acting Chairman

1. If the Chairman is absent during a meeting or any part thereof, he shall designate the Vice-Chairman to take his place.

2. If the Chairman ceases to hold office pursuant to rule 14, the Vice-Chairman shall take his place until the election of a new Chairman.

### Rule 13

### Powers of the Acting Chairman

A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Rule 14

Replacement of the Chairman or the Vice-Chairman

If the Chairman or the Vice-Chairman ceases to be able to carry out his functions or ceases to be a member of the Finance Committee, he shall cease to hold such office and a new Chairman or Vice-Chairman shall be elected for the unexpired term.

Rule 15

Functions of the Chairman

The Chairman shall preside over the sessions of the Finance Committee and under the authority of the Committee shall represent it at meetings of the Assembly and the Council and their subsidiary organs.

V. SECRETARIAT

Rule 16

Duties of the Secretary-General

1. The Secretary-General shall act in that capacity in all meetings of the Finance Committee. He may designate a member of the Secretariat to act as his representative. He shall perform such other functions as are assigned to him by the Committee.

2. The Secretary-General shall provide and direct the staff required by the Finance Committee, taking into account to the greatest extent possible the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.

3. The Secretary-General shall keep the members of the Finance Committee informed of any questions that may be brought before the Committee for consideration.

4. The Secretary-General shall provide to the Finance Committee, at its request, information and reports specified by the Committee.

Rule 17

Duties of the Secretariat

The Secretariat shall receive, translate, reproduce and distribute recommendations, reports and other documents of the Finance Committee, interpret speeches made at the meetings, prepare, if necessary, records of the session, have custody and proper preservation of the documents in the archives of the

Committee, and, generally, perform all other work which the Committee may require.

## VI. CONDUCT OF BUSINESS

### Rule 18

### Conduct of business

As far as conduct of business is concerned, the proceedings of the Finance Committee shall be governed by general practice as reflected in section XII of the rules of procedure of the Assembly.

## VII. DECISION-MAKING

### Rule 19

### Voting rights

Each member of the Finance Committee shall have one vote.

### Rule 20

### Decisions on questions of procedure

Decisions in the Finance Committee on questions of procedure shall be taken by a majority of members present and voting.

### Rule 21

### Decisions on questions of substance

Decisions in the Finance Committee on questions of substance shall be taken by consensus. In case the Finance Committee fails to reach consensus during a reasonable period of time, it shall prepare a report reflecting different opinions.

### Rule 22

### Meaning of the phrase "members present and voting"

For the purposes of these rules, the phrase "members present and voting" means members present and casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

Rule 23

Conduct of voting

When the Finance Committee takes a decision by vote on a question of procedure, its proceedings shall be governed by general practice as reflected in rules 76 to 81 of the rules of procedure of the Assembly.

Rule 24

Elections

All elections in the Finance Committee shall be held by secret ballot unless otherwise decided by the Committee.

Rule 25

Conduct of elections

When elections are held in the Finance Committee, the proceedings of the Committee shall be governed by general practice as reflected in rules 83 to 85 of the rules of procedure of the Assembly.

VIII. LANGUAGES

Rule 26

Languages of the Finance Committee

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Finance Committee.

Rule 27

Interpretation

Speeches made in any of the six languages of the Finance Committee shall be interpreted into the other five languages.

Rule 28

Other languages

Any member may make a speech in a language other than the language of the Finance Committee. In this case, he shall himself provide for interpretation into one of the languages of the Finance Committee. Interpretation into the

other languages of the Finance Committee by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 29

Languages of recommendations and documents

All recommendations and other documents of the Finance Committee shall be published in the languages of the Committee.

## IX. RECORDS

Rule 30

Sound recordings of meetings

The Secretariat shall make sound recordings of the meetings of the Finance Committee when the Committee so decides.

## X. MEETINGS

Rule 31

Private and public meetings

1. The meetings of the Finance Committee shall be held in private unless the Committee decides otherwise.

2. At the close of a private meeting of the Finance Committee, the Chairman may, if the Committee so decides, issue a communiqué through the Secretary-General.

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